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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,530	06/25/2003	Sophie Wastiaux	Serie 6126	2185

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EXAMINER

COOKE, COLLEEN P

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,530

Applicant(s)

WASTIAUX ET AL.

Examiner

Colleen P. Cooke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-25 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 22-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

This application contains claims 24-25 drawn to an invention nonelected with traverse in the official office action mailed 5/31/05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bland et al. (2895747).

With respect to claims 22-23, Bland et al. teaches different embodiments which anticipate the claims.

In first embodiment, Bland et al. teaches (see Figures 1-3), a method of protecting pieces of equipment (11 and 18) where the pieces have been protectively coated (14) and are joined to each other by welding (21) of the pieces together with a joining piece (12) which also has the protective coating (14) thereon. More specifically, Bland et al. teaches that after coating the member 11 and joining piece 12 (Column 2, lines 24-26) weld 21 is made joining members 11, 18, and 12 integrally (Column 2, lines 49-52). The equipment pieces and joining pieces are all

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steel, and the protective coating shown in the figures is an aluminum coating (Column 3, lines 38-41 particularly).

In a second embodiment, Bland et al. teaches (see Figure 4) a method of protecting pieces of equipment (32, 37) where the pieces have been protectively coated (38, 34) and are joined to each other by welding (41) of the pieces together with joining pieces (39, 31) which also have the protective coating (34) thereon. More specifically, Bland et al. teaches that the pipe 32 and ring 31 are coated with aluminum (Column 3, lines 44-45) and after that pipe 37 is placed in position and a weld (41) is made to join pipes 32 and 37 and to weld ring 33 to the pipes (Column 3, lines 58-60). The equipment pieces and joining pieces are all steel, and the protective coating shown in the figures is an aluminum coating (Column 3, lines 38-41 particularly).

Regardless of which embodiment is relied upon, further limitations including fluids to be used in the equipment made, use in high temperature processes and the process in which the equipment made may be used merely recite intended use as claimed; nonetheless it would appear the method of Bland et al. would provide equipment capable of performing these intended uses as claimed since Bland et al. teaches that the equipment is known to have widespread use “in chemical reactors and the like and particularly in reactors associated equipment which are alternately exposed to reducing and oxidizing atmospheres” (column 1, lines 22-25).

With respect to portion “a” of claim 22, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art.

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See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by GB 824717.

GB 824717 teaches the process of producing corrosion-resistant equipment, specifically metal hollow bodies to be welded (page 1, lines 56-70) and refers specifically to carbon steel, iron pipe (page 1 lines 34 and 50), and further specifically defines the components of the figures as being carbon steel and corrosion resistant steel (page 2, lines 99-106). GB 824717 teaches (see Figure 2 or 3) that the components are connected by butt-welding (2) sleeves 3a and 3b together which sleeves are butt-welded(4) to components 1a and 1b and further that components 1a and 1b are protectively coated (5) and that the protective coating (5) covers at least a portion of the joining pieces (sleeves 3a and 3b); in Figure 2 the protective coating (5) is shown to partially cover sleeves 3a and 3b though the overlapping portion has no reference number while in Figure 3 the protective coating (5) is shown to partially cover sleeves 3a and 3b as shown by reference number 4a.

Further limitations including fluids to be used in the equipment made, use in high temperature processes and the process in which the equipment made may be used merely recite intended use as claimed; nonetheless it would appear the method of GB 824717 would provide equipment capable of performing these intended uses as claimed since GB 824717 teaches that the equipment is known to be produce “hollow metal bodies, such as containers, apparatus, or pipelines for corrosive liquid or solid substances, gases, or vapours, mixtures, or suspensions” (page 1, lines 56-60).

With respect to portion “a” of claim 22, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Response to Arguments

Applicant's arguments filed 4/24/06 have been fully considered but they are not persuasive.

With respect to the rejection made over Bland et al. (2895747), the applicant argues that Bland et al. does not teach the joining pieces are externally welded to the pieces of equipment (step c2) and that the joining piece is not protected prior to welding (step c3); it is noted that the claims require externally welding the joining piece and pieces of equipment wherein the joining piece has a protective coating formed thereon prior to the formation of the external weld. Bland et al. teaches two different embodiments which were separately applied to the claim limitations in the rejection. In the first embodiment, shown in Figures 1-3 with particular reference to Figure 2, Bland et al. teaches a joining piece (12) and pieces of equipment (11, 18) which are joined by an external weld (21). Bland et al. further teaches that the joining piece (12) is protected by an aluminum coating (14) which is applied prior to the formation of weld (21). This process is detailed in Column 2, lines 19-53. In the second embodiment, shown in Figures 4 and 5, Bland et

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al. teaches a joining piece (31) and pieces of equipment (32, 37) which are joined by an external weld (41 or 52). Bland et al. further teaches that the joining piece (31) is protected by an aluminum coating (34) which is applied prior to the formation of weld (41 or 52). This process is detailed in Column 3, line 38 through Column 4, line 12. Therefore the applicants' arguments are not persuasive.

With respect to the rejection made over GB 824717, the applicant has presented no arguments or even mentioned this grounds of rejection in any way. Therefore, this rejection is maintained as well.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colleen P. Cooke whose telephone number is 571-272-1170. She can normally be reached Mon.-Fri. 9:00 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, her supervisor, Stan Silverman can be reached at 571-272-1358. The official fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Colleen P Cooke
Primary Examiner
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